

**Minutes of Land Use, Parks and Environment Committee
Tuesday, February 15, 2011**

Chair Fritz Ruf called the meeting to order at 8:30 a.m.

Committee Members Present: Supervisors Fritz Ruf (Chair), Walter Kolb, James Jeskewitz, Michael Inda, Ted Rolfs, Tom Schellinger, Rob Hutton.

Also Present: Chief of Staff Mark Mader, Legislative Associate Karen Phillips, Planning and Zoning Manager Jason Fruth, Park System Manager Duane Grimm, Assistant Corporation Counsel MaryLee Richmond, Parks and Land Use Director Dale Shaver, Senior Financial Analyst Bill Duckwitz, Virginia Secor.

Approve Minutes of January 18, 2011

MOTION: Jeskewitz moved, second by Inda, to approve the minutes of January 18, 2011.
Motion carried 7-0.

Future Meeting Date

- February 17, 2011 – Joint Park and Planning Commission/LUPE Committee Public Hearing
- March 15, 2011

Correspondence

- Storm Water Management
- Public Hearing Notice: Joint Park and Planning Commission/LUPE Committee – February 17, 2011

Executive Committee Report of February 14, 2011

Ruf summarized the items discussed at the Executive Committee meeting of February 14, 2011, including the following: IT updates, including CAD system replacement, asset management system implementation, countywide cashiering, workforce management system, tax system replacement and financial system replacement; proposed internal audit plan; proposed audit scope for Treasurer and County Clerk, and ordinances regarding the Tarmann Parkland Acquisition Fund and County Board redistricting.

Ordinance 165-O-088: Approve The Rescission Of Previously Approved Land Use Permit Pertaining To The Lake Country Trail In Enrolled Ordinance 162-110 And The Approval Of Land Use Permit As Redrafted And Recorded

Richmond explained this ordinance corrects a problem with Enrolled Ordinance 162-110 and will cleanup the errors made in the past. The enrolled ordinance contained a land use permit that was never executed. It also referred to the Pewaukee River Greenway Trail easement, when in fact it should have referred to the Lake County Trail land use permit.

MOTION: Kolb moved, second by Jeskewitz, to approve Ordinance 165-O-088.

Schellinger asked what the difference is between an easement and a land use permit. Richmond explained an easement is a transfer of a property interest and a land use permit is more of an agreement to allow use of a specific portion of land.

Motion carried 7-0.

Ordinance 165-O-089: Approve Acquisition Of The Anchor Bank Property In The Town Of Mukwonago

Grimm described the location of the subject property, which is surrounded by State-owned lands (formerly Rainbow Springs property) in the Town of Mukwonago. The County worked with Anchor Bank to divide off the residential portion of the property (5 acres). The County would acquire the property outside of the five-acre parcel. The acquisition parcel is included in the current Park and Open Space Plan and would add approximately 63.63 acres to the Mukwonago River Greenway corridor, at a price of \$620,393 (\$9,750 per acre).

Grimm further explained the aforementioned purchase has been delayed because the title search revealed part of the property ownership was not properly transferred. Anchor Bank has been pursuing the original owners to sign off on the property. Grimm stated that initially he intended to propose the approval of the purchase, excluding the 800 ft. x 400 ft portion in question, with an option to purchase it once the title has cleared. Last week Anchor Bank notified the County that progress was being made in locating the previous owners and hoped to have this issue resolved soon.

Kolb asked how far back does this property ownership issue go? Grimm stated probably around 1943. Shaver speculated that at some point a wrong legal description was used and it was carried over through time as the property has been bought and sold. Shaver requested the ordinance be tabled to allow a few more weeks to resolve the issues, rather than approving it now with an exemption for the piece of property in question.

Rolfs expressed concerns for the ongoing stewardship and management of the property, as it is surrounded by State property. Shaver assured that the State and County would have a cohesive plan for the area.

MOTION: Rolfs moved, second by Hutton, to table Ordinance 165-O-089. Motion carried 7-0.

Ordinance 165-O-093: Approve Wisconsin Energy Utility Easement For Nagawaukee Park Campground

Grimm discussed this ordinance which requests approval of an underground electric distribution easement for Wisconsin Electric Power Company to supply electric power to the Nagawaukee Park Campground. The power would allow for the installation of an electric water pump instead of a hand pump, in part for sanitary reasons. A hand pump poses risks of contamination of drinking water and makes it difficult to sanitize the well. Advantages of an electric pump include safeguards that reduce risk of water contamination.

MOTION: Rolfs moved, second by Inda, to approve Ordinance 165-O-093.

Kolb asked what cost is involved and who is paying for it. Grimm stated the cost of the electric cable installation is about \$7,000. Hutton asked why the fiscal information is not included in this ordinance. Grimm explained the money is in an operating account within the approved departmental budget. There is no cost involved for the easement itself. Hutton asked if there are any other similar projects upcoming, to which Grimm replied yes. Hutton questioned what other costs are involved in this project. Grimm said after the electric cable is in, an electric submersible pump would be installed.

Motion carried 7-0.

Resolution 165-R-006: Amend The Regional Water Quality Management Plan For The City Of New Berlin, Waukesha County, Wisconsin

Fruth reviewed this resolution that would add a 7.7-acre parcel to the Sanitary Sewer Service Area for the City of New Berlin to accommodate the development of warehouse and offices use. The property is being acquired by Buy Seasons, which currently has a large facility located west of Moorland Road. A new building is planned for construction on the subject property, located immediately south of Small Road. The City of New Berlin has approved the proposed sewer service area plan.

MOTION: Inda moved, second by Jeskewitz, to approve Resolution 165-R-006. Motion carried 7-0.

Ordinance 165-O-086: Amend The District Zoning Map Of The Town Of Lisbon Zoning Ordinance By Rezoning Certain Lands Located In Part Of The SW ¼ Of Section 28, T8N, R19E, Town Of Lisbon, Waukesha County, Wisconsin, From The A-5 Mini Farm District To The A-3 Agricultural/Residential Estate District (ZT-1711)

Fruth reviewed this ordinance which would allow the petitioner to create a Certified Survey Map (CSM) and a 3.17-acre lot for single family use on North Hill Drive in the Town of Lisbon in association with the rezone from an A-5 to A-3 district. He pointed out the subject property on an overhead map. The owner would retain ownership of the existing residence and the remainder of the property. The 3-acre lot would not abut a public road and would include a private drive with a 33-foot wide ingress/egress easement. The property would be developed with a private on-site waste treatment system and a private well. The building envelope would be located outside of the secondary environmental corridor (SEC) area.

Fruth explained there was significant discussion by the Town Plan Commission about the building envelope. One commissioner voted against the proposed rezone because of concern there were no conditions at the Town level which designated the building envelope. Fruth stated the CSM does show SEC preservation restrictions that preclude disturbance, grading, etc. From the County Planning and Zoning Division staff perspective, the environmental corridor is being respected appropriately and it is unnecessary to place additional conditions upon the rezone itself. The proposed use of the property is consistent with the Town and County Comprehensive Development Plan for a low-density residential category.

Rolfs asked for clarification on the one “no” vote from the Plan Commission – the Town has no restrictions in regard to the building envelope, yet the County does? Fruth explained the County does not have zoning jurisdiction on this property. The property is subject to the Town code. If it were the County’s jurisdiction, we would also have a separate process for considering a lot not abutting a public road. The County is looking for conformance with the County Development Plan concerning density and the protection of the environmental corridor. Fruth continued with a detailed review of Town and County jurisdiction in such rezoning requests. He stated the proposal for the private drive is a reasonable way to develop the property in a limited manner.

Schellinger asked for an example where the County Board or LUPE Committee has denied a similar proposal. Fruth did not recall any such instance. Further discussion ensued regarding the proposed building envelope and septic system location in relation to the SEC.

MOTION: Jeskewitz moved, second by Schellinger, to approve Ordinance 165-O-086. Motion carried 7-0.

Ordinance 165-O-087: Amend The District Zoning Map Of The Town Of Lisbon Zoning Ordinance By Rezoning Certain Lands Located In Part Of The NW ¼ Of The SW ¼ Of Section 29 And The NE ¼ Of The SE ¼ Of Section 30, T8N, R19E, Town Of Lisbon, Waukesha County, Wisconsin, From The A-10 Agricultural District To The A-5 Mini Farm District (ZT-1712)

Fruth reviewed this ordinance which would allow the petitioner to rezone their Town of Lisbon property and divide the 14-acre parcel into two single-family residential lots. He noted this rezone is under the jurisdiction of the Town of Lisbon zoning code. The proposed CSM indicates lot 2 would not abut a public road and would be served by a 33-foot wide easement. From the County staff perspective, the stacked lot configuration such as this one is not preferable; however, it is the Town's decision. There are a couple areas of hydric inclusions toward the back of the part of the property which would require ground water analysis before building would be allowed. The majority of the property is not in the hydric inclusion category so there should not be an issue finding an appropriate building site. Fruth stated the proposed rezoning is consistent with the Town and County Comprehensive Development Plans. He noted there were two dissenting votes at the Plan Commission because of issues with the properties being served by private easements. Further discussion ensued regarding the surrounding lands ownership and development.

MOTION: Hutton moved, second by Inda, to approve Ordinance 165-O-087. Motion carried 6-1 (Rolfs).

In the absence of objections, the meeting adjourned at 9:36 a.m.

Respectfully submitted,

Jim Jeskewitz,
Secretary